

REMARKS

Applicants hereby respond to the Office Action dated August 24, 2004. Reconsideration of the application is respectfully requested.

The amendments herein to the specification correct what are obviously minor errors. No new matter has been added.

Claim 1 as amended is supported by the specification at for instance paragraph [0036] and Figure 2.

Claim 8 is supported by the specification at for instance paragraph [0040] (pages 15-17) and Figure 5.

Claim 9 is supported by the specification at for instance paragraph [0041] (page 17) and Figure 6.

Claim 10 is supported by the specification at for instance paragraph [0042] (pages 17-20) and Figure 7.

Turning first to the restriction requirement, applicants respectfully request reconsideration and withdrawal of the restriction requirement. Applicants are entitled to request this reconsideration and withdrawal, because election of claims 1-2 was made with traverse, and this Amendment is applicants' first opportunity since then to address the requirement.

In the Office Action, the restriction requirement is justified on the basis that "the process as claimed can be practiced by another and materially different apparatus such as a wet scrubbing apparatus without the use of a catalyst system".

However, this assertion is incorrect as it does not completely read applicants' claims. The "process as claimed" apparently refers to process claims 3-7, which were placed in group II, but claims 3-7 all depend directly or indirectly from apparatus claim 1, which was placed in group I. Thus, it is impossible for the process of claim 3-7 to be practiced by an apparatus other than the apparatus of claim 1. Furthermore, the assertion in the Office Action that the process could be practiced "without the use of a catalyst system" is incorrect because claims 3-7 depend from claim 1 which requires a catalyst system.

Therefore, applicants respectfully submit that the restriction requirement is without any accurate factual basis. Claims 3-7 should therefore be grouped and examined together with claims 1 and 8-10.

Turning to the substantive rejections, claims 1-2 were rejected under 35 U.S.C. 103(a) as obvious from U.S. Patent No. 4,296,088 ("Stauffer") in view of U.S. Patent No. 2,029,604 ("Bayer"). Claim 2 has been canceled, since the amendments herein to claim 1 included incorporation of the subject matter of claim 2. As to claim 1, this rejection is respectfully traversed.

Stauffer lacks disclosure or suggestion of a "gas distributor for distributing gas equally to all catalyst passages of the catalyst support" which now is required in all pending claims. Bayer also lacks any disclosure or suggestion of any such gas distributor. Therefore, the combination of Stauffer and Bayer fails to lead one to the combination now claimed by applicants. The rejection of claim 1 based on the combination of Stauffer and Bayer should therefore be withdrawn.

Claims 1-2 were also rejected under 35 U.S.C. 103(a) as obvious from U.S. Patent No. 3,317,278 (referred to herein as "Siegfried", even though the patent uses the name "Ruhemann") in view of Stauffer and Bayer. This rejection is respectfully traversed as to claim 1, since claim 2 has been canceled.

Siegfried also fails to disclose or suggest the gas distributor that is required in all pending claims as amended herein. Since Stauffer and Bayer lack any teaching of that gas distributor, then any combination of Stauffer and Bayer with Siegfried still fails to render the applicants' invention obvious. The rejection of claim 1 based on the combination of Siegfried, Stauffer and Bayer should therefore be withdrawn.

Claims 8-10 newly added in this Amendment, and claims 3-7 which had been withdrawn from consideration, are not obvious from the cited references, for the same reasons that apply to claim 1. For instance, claims 8-10 require not just one gas distributor as recited in claim 1 as amended herein, but first and second gas distributors. And claims 3-7, by dependency from claim 1, require a gas

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distributor as recited in claim 1. As said above, none of the cited references discloses or suggests such a gas distributor (or two of them).

For all the foregoing reasons, allowance of this application is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Donald T. Black". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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